[No. 315]

(SB 1186)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 279.

The People of the State of Michigan enact:

CHAPTER XVII

777.13 Chapter 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable. [M.S.A. 28.1274(23)]

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(3)	Property	Н	State owned property — damages of \$1,000 or more	180 days
324.3115(2)	Pub saf	Н	Waste discharge violations	2
324.3115(4)	Pub saf	G	Waste discharge violations — substantial endangerment	5
324.5531(4)	Pub saf	H	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants — causing death or serious	
224 7724 (2)		~	bodily injury	6
324.5531(6)	Pub saf	С	Knowingly releasing pollutants — resulting in death or serious	
			bodily injury	15

324.8905(2)	Pub saf	Н	Infectious waste/pathological waste/sharps — littering	
324.8905(3)	Pub saf	G	violation Infectious waste/pathological	2
521. 0000(8)	I do sai	ď	waste/sharps — littering violation —	
			subsequent offense	5
324.11151(2)	Pub saf	Н	Hazardous waste violations —	J
021.11101(2)	I do sai		subsequent offense	2
324.11151(3)	Pub saf	Н	Hazardous waste violation —	
			with disregard for human life	2
324.11151(3)	Pub saf	\mathbf{G}	Hazardous waste violation — with	
			extreme indifference for	
			human life	5
324.12116(2)	Pub saf	Η	Waste — false statement or	
			entry in a license application	2
324.20139(3)	Pub saf	Η	Hazardous waste — knowingly	0
004.04004(4)	D 1 4	~	releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks —	F
204 01540/1)	Dul toot	TT	false or misleading information	5
324.21548(1)	Pub trst	Н	False statement, report, claim, bid, work invoice, or other	
			request for payment	5
324.30316(3)	Pub saf	Н	NREPA violation — subse-	J
924.90910(9)	1 ub sai	11	quent offense	2
324.31525	Person	G	NREPA — imminent danger	_
0_1,010_0	1 015011	<u>~</u>	of death or serious injury —	
			subsequent offense	2
324.33939(1)	Pub trst	H	NREPA violation for	
			commercial purposes	2
324.40118(11)	Pub ord	\mathbf{G}	Wildlife conservation —	
			buying selling protected animals	_
			subsequent offense	4
324.51120(2)	Property	Η	Removing forest products	_
		_	over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.52908(3)	Property	Η	Illegally cutting, removing,	
			or transporting tree or	
			other plant involving \$1,000 or more	180 days
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned	9
021.10101(1)	1 40 0150	G	property in Great Lakes	
			without permit	2
324.80130d(1)	Pub ord	Н	False representation to obtain	
			personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain	
			personal information —	
			second offense	7

324.80130d(3)	Pub ord	С	False representation to obtain personal information —	15
324.80172	Person	G	third or subsequent offense Negligent crippling or homicide	15
324.80173	Person	G	by vessel Felonious operation of a vessel	$\frac{2}{2}$
324.80176(4)	Person	C	Operating a vessel under the influence causing death	15
324.80176(5)	Person	E	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c)	Pub saf	E	Operating a vessel under the influence — third or subsequent offense	5
324.80319a(1)	Pub ord	Н	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.80319a(3)	Pub ord	С	False representation to obtain personal information — third or subsequent offense	15
324.81120(1)	Pub ord	Н	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.81120(3)	Pub ord	С	False representation to obtain personal information — third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence — third or subsequent offense	4
324.81134(7)	Person	\mathbf{C}	Operating an ORV under the	_
324.81134(8)	Person	E	influence causing death Operating an ORV under the influence causing serious	15
324.82126c(1)	Person	G	impairment Operating a snowmobile carelessly or negligently causing death	5
			or serious impairment	2
324.82126c(2)	Person	G	Operating a snowmobile without regard to safety causing serious impairment	2
324.82127(4)	Person	С	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	Е	Operating a snowmobile under the influence causing long-term	_
			incapacitating injury	5

324.82128(1)(c)	Pub saf	Е	Operating a snowmobile under the influence — third or	-
324.82160(1)	Pub ord	Н	subsequent offense False representation to obtain	5 4
324.82160(2)	Pub ord	G	personal information False representation to obtain personal information —	4
		~	second offense	7
324.82160(3)	Pub ord	С	False representation to obtain personal information — third or subsequent offense	15
328.232	Property	\mathbf{E}	Conversion of funeral contracts	5
333.2685	Person	Е	Use of a live human embryo, fetus for nontherapeutic research	5
333.2688	Person	E	Research on dead embryo or	9
333.2333	1 CISON		fetus without mother's consent	5
333.2689	Person	\mathbf{E}	Abortion to obtain embryo	5
333.2690	Person	\mathbf{E}	Sale or delivery of fetus or embryo	5
333.2813(3)	Pub trst	F	Unauthorized disclosure of social security number — subsequent offense	4
333.2835(9)	Pub trst	G	Disclosing confidential	4
300.2000(0)	1 45 0150	G	information — abortion	3
333.5210	Person	F	AIDS — sexual penetration with uninformed partner	4
333.5661	Person	\mathbf{F}	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture of imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 650 or more grams of certain schedule 1 or 2 controlled	T.14
200 5404 (2) () () ()	aa		substances	Life
333.7401(2)(a)(ii)	CS	A	Delivery or manufacture of 225 or more but less than 650 grams of certain schedule 1	20
222 7401(2)(2)(2)	CC	D	or 2 controlled substances	30
333.7401(2)(a)(<i>iii</i>)	CS	В	Delivery or manufacture of 50 or more but less than 225 grams of certain schedule 1	
			or 2 controlled substances	20
333.7401(2)(a)(<i>iv</i>)	CS	D	Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances	20
333.7401(2)(b)(<i>i</i>)	CS	В	Delivery or manufacture of	
	~~	_	methamphetamine	20
333.7401(2)(b)(<i>ii</i>)	CS	E	Delivery or manufacture of certain schedule 1, 2, or 3	
			controlled substances	7

333.7401(2)(c)	CS	\mathbf{F}	Delivery or manufacture of	
333.7401(2)(d)(<i>i</i>)	CS	C	schedule 4 controlled substance Delivery or manufacture of 45	4
0001101(=)(4)(0)		Ü	or more kilograms of marijuana	15
333.7401(2)(d)(ii)	CS	D	Delivery or manufacture of 5	
			or more but less than 45	7
333.7401(2)(d)(<i>iii</i>)	CS	F	kilograms of marijuana Delivery or manufacture of	7
555.1401(2)(u)(ttt)	CB	ľ	less than 5 kilograms or 20	
			plants of marijuana	4
333.7401(2)(e)	CS	\mathbf{G}	Delivery or manufacture of	
	~~	_	schedule 5 controlled substance	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an	
			official or counterfeit prescription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture of	20
(/ (/ (/ (/ (/ (/ (/ (/ (/ (/			prescription or counterfeit	
			form (other than official)	7
333.7401a	Person	В	Delivering a controlled	
			substance or GBL with intent to commit criminal	
			sexual conduct	20
333.7401b(3)(a)	CS	\mathbf{E}	Delivery or manufacture of GBL	7
333.7401b(3)(b)	CS	\mathbf{G}	Possession of GBL	2
333.7401c(2)(a)	CS	D	Operating or maintaining	
			controlled substance	10
333.7401c(2)(b)	CS	В	laboratory Operating or maintaining	10
555.1401C(2)(D)	CS	Б	controlled substance	
			laboratory in presence of minor	20
333.7401c(2)(c)	CS	В	Operating or maintaining	
			controlled substance	
			laboratory involving hazardous waste	20
333.7401c(2)(d)	CS	В	Operating or maintaining	20
333.11010(2)(4)	02	2	controlled substance	
			laboratory near certain places	20
333.7401c(2)(e)	CS	A	Operating or maintaining	
			controlled substance	
			laboratory involving firearm or other harmful device	25
333.7402(2)(a)	CS	D	Delivery or manufacture of	20
` , ` ,			certain imitation controlled	
			substances	10
333.7402(2)(b)	CS	\mathbf{E}	Delivery or manufacture of	
			schedule 1, 2, or 3 imitation controlled substance	5
333.7402(2)(c)	CS	\mathbf{F}	Delivery or manufacture of	9
	0.0	_	imitation schedule 4 controlled	
			substance	4
333.7402(2)(d)	CS	G	Delivery or manufacture of	
			imitation schedule 5 controlled substance	2
			controlled substance	4

333.7402(2)(e)	CS	C	Delivery or manufacture of	
			controlled substance analogue	15
333.7403(2)(a)(i)	CS	A	Possession of 650 or more	
			grams of certain schedule 1	
			or 2 controlled substances by	Life
333.7403(2)(a)(ii)	CS	A	juvenile Possession of 225 or more but	Lile
000.1400(2)(a)(tt)	CB	71	less than 650 grams of certain	
			schedule 1 or 2 controlled	
			substances	30
333.7403(2)(a)(iii)	CS	В	Possession of 50 or more but	
			less than 225 grams of	
			certain schedule 1 or 2 controlled	
000 = 400(0)()(')	aa	a	substances	20
333.7403(2)(a)(iv)	CS	G	Possession of 25 or more but	
			less than 50 grams of certain schedule 1 or 2 controlled	
			substances	4
333.7403(2)(a)(v)	CS	G	Possession of less than 25 grams	1
	0.0	-	of certain schedule 1 or 2	
			controlled substances	4
333.7403(2)(b)(i)	CS	D	Possession of methamphetamine	10
333.7403(2)(b)(ii)	CS	G	Possession of certain schedule	
			1, 2, 3, or 4 controlled sub-	
			stances or controlled	0
333.7403(2)(e)	CS	Н	substances analogue Possession of official prescrip-	2
555.1405(2)(e)	CS	11	tion form	1
333.7405(a)	CS	G	Controlled substance violations	-
			by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution	
			violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations	4
333.7407(1)(b)	CS	G	by licensee Use of fictitious, revoked, or	4
555.1401(1)(D)	CS	G	suspended license number	4
333.7407(1)(c)	CS	G	Obtaining controlled substance	•
,,,,,			by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled	
			substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting	
000 = 40=(1)/6	aa		implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining	4
333.7407(1)(g)	CS	F	prescription information Possession of counterfeit	4
999.1401(1)(g)	OB	ľ	prescription form	4
333.7407(2)	CS	G	Refusing to furnish records	•
` '			under controlled substance	
			article	4

333.7410a	CS	G	Controlled substance offense or offense involving	0
333.10204(1)	Pub ord	F	GBL in or near a park Transferring a human organ	2
			for valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by an unauthorized individual	4
333.10205	Pub saf	\mathbf{F}	Removal of a human organ in	4
			an unapproved facility	4
333.13738(2)	Pub saf	\mathbf{F}	Waste disposal violations —	
			second offense	5
333.13738(3)	Pub saf	\mathbf{F}	Disposing of waste —	
			indifference to human life	2
	Pub saf	В	Disposing of waste — extreme	
			indifference to human life	20
333.16170(3)	Pub trst	\mathbf{F}	False representation — health	
			professional recovery program	4
333.16294	Pub saf	\mathbf{F}	Health profession —	
			unauthorized practice	4
333.17766a(2)	$^{\mathrm{CS}}$	\mathbf{F}	Possession of steroids —	
			subsequent offense	4
333.17766a(3)	CS	E	Delivery or manufacture of steroids	7
333.17766a(4)	$^{\mathrm{CS}}$	G	Delivery of imitation steroids	7
333.17766c(2)	$^{\mathrm{CS}}$	\mathbf{G}	Possession of more than	
		_	10 grams ephedrine	2
333.20142(5)	Pub trst	\mathbf{F}	False statement — application	
		~	licensure health facility	4
333.21792	Pub trst	G	Nursing homes — referral	
			fees/bribing officials/	
222.2424 (2)		-	accepting bribes	4
338.3434a(2)	Pub trst	\mathbf{F}	Unauthorized disclosure of a	
			social security number —	
200.000	D 1 4 4	173	subsequent offense	4
388.936	Pub trst	F	Knowingly making false statement — school district	4
900 009	Deals desert	F	loans	4
388.962	Pub trst	I.	Knowingly making false	
			statement — school district	4
			loans	4

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2001.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1043 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved October 17, 2000.

Filed with Secretary of State October 17, 2000.

Compiler's note: Senate Bill No. 1043, referred to in enacting section 2, was filed with the Secretary of State October 17, 2000, and became P.A. 2000, No. 314, Eff. Jan. 1, 2001.